


CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to:

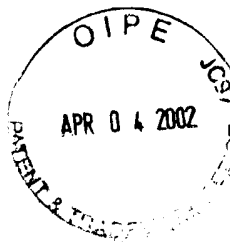
"Assistant Commissioner for Patents
Washington, D.C. 20231"

on April 1, 2002


GERARD J. MCGOWAN, JR.
Reg. No. 29,412
Attorney for Applicant(s)

04/01/02
Date of
Signature

PATENT
#Y2-0473-UNI
Case #F3271(C)



1761
14-11-02
RECEIVED
APR 9 - 2002
TC 1700

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Cooke et al.
Serial No.: 09/929,569
Filed: August 14, 2001
For: METHOD OF PREPARING A FOOD PRODUCT

Edgewater, New Jersey 07020
April 1, 2002

SUBMISSION OF PRIORITY DOCUMENT

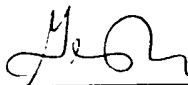
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Pursuant to rule 55(b) of the Rules of Practice in Patent Cases, Applicant(s) is/are submitting herewith a certified copy of the United Kingdom Application No. 0020002.2 filed August 14, 2000, upon which the claim for priority under 35 U.S.C. § 119 was made in the United States.

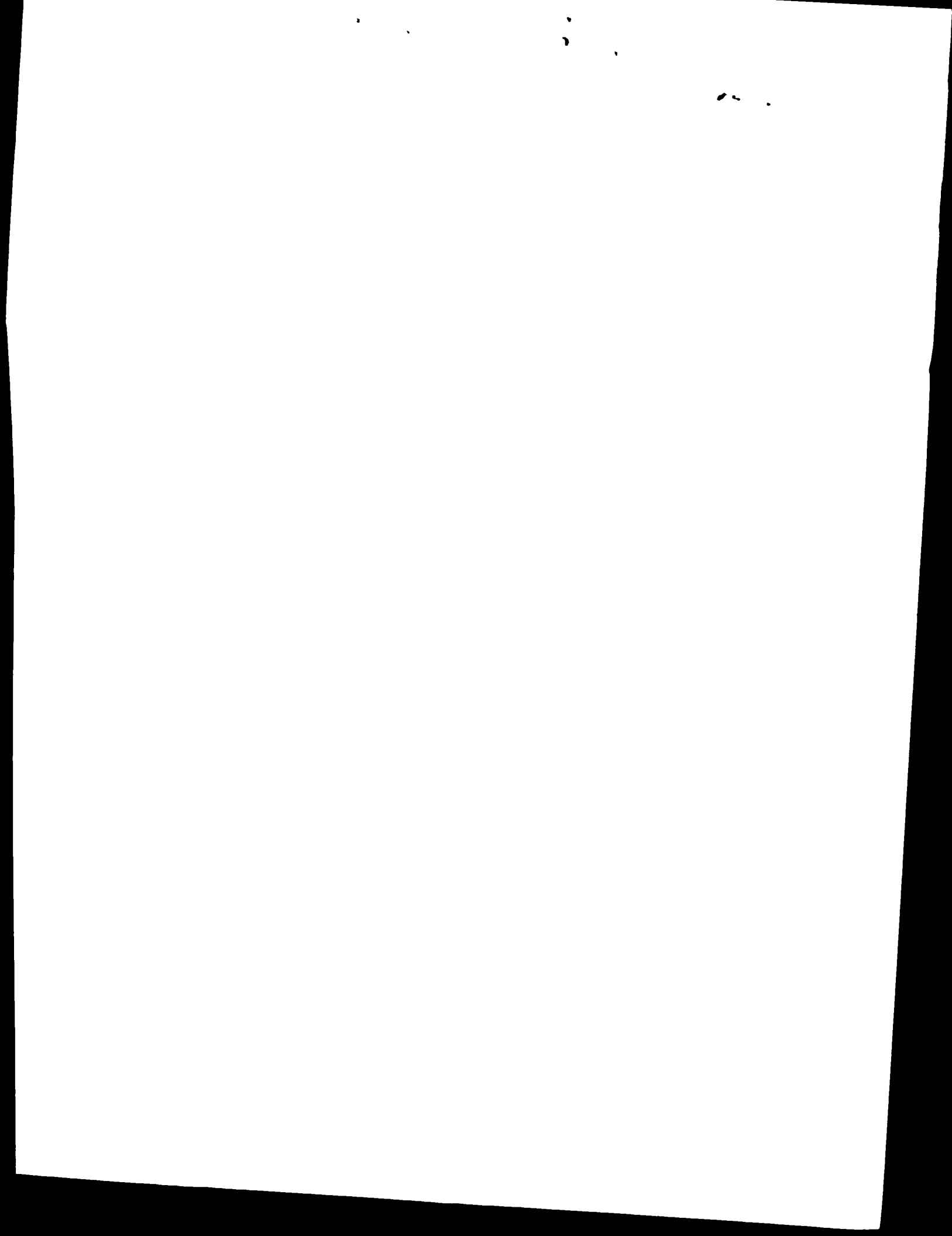
It is respectfully requested that the priority document be made part of the file history.

Respectfully submitted,



Gerard J. McGowan, Jr.
Reg. No. 29,412
Attorney for Applicant(s)

GJM/mt
(201) 840-2297





INVESTOR IN PEOPLE

RECEIVED

APR 9 - 2002

TC 1700

The Patent Office
Concept House
Cardiff Road
Newport
South Wales
NP10 8QQ

I, the undersigned, being an officer duly authorised in accordance with Section 74(1) and (4) of the Deregulation & Contracting Out Act 1994, to sign and issue certificates on behalf of the Comptroller-General, hereby certify that annexed hereto is a true copy of the documents as originally filed in connection with the patent application identified therein.

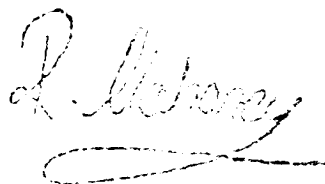
In accordance with the Patents (Companies Re-registration) Rules 1982, if a company named in this certificate and any accompanying documents has re-registered under the Companies Act 1980 with the same name as that with which it was registered immediately before re-registration save for the substitution as, or inclusion as, the last part of the name of the words "public limited company" or their equivalents in Welsh, references to the name of the company in this certificate and any accompanying documents shall be treated as references to the name with which it is so re-registered.

In accordance with the rules, the words "public limited company" may be replaced by p.l.c., plc, P.L.C. or PLC.

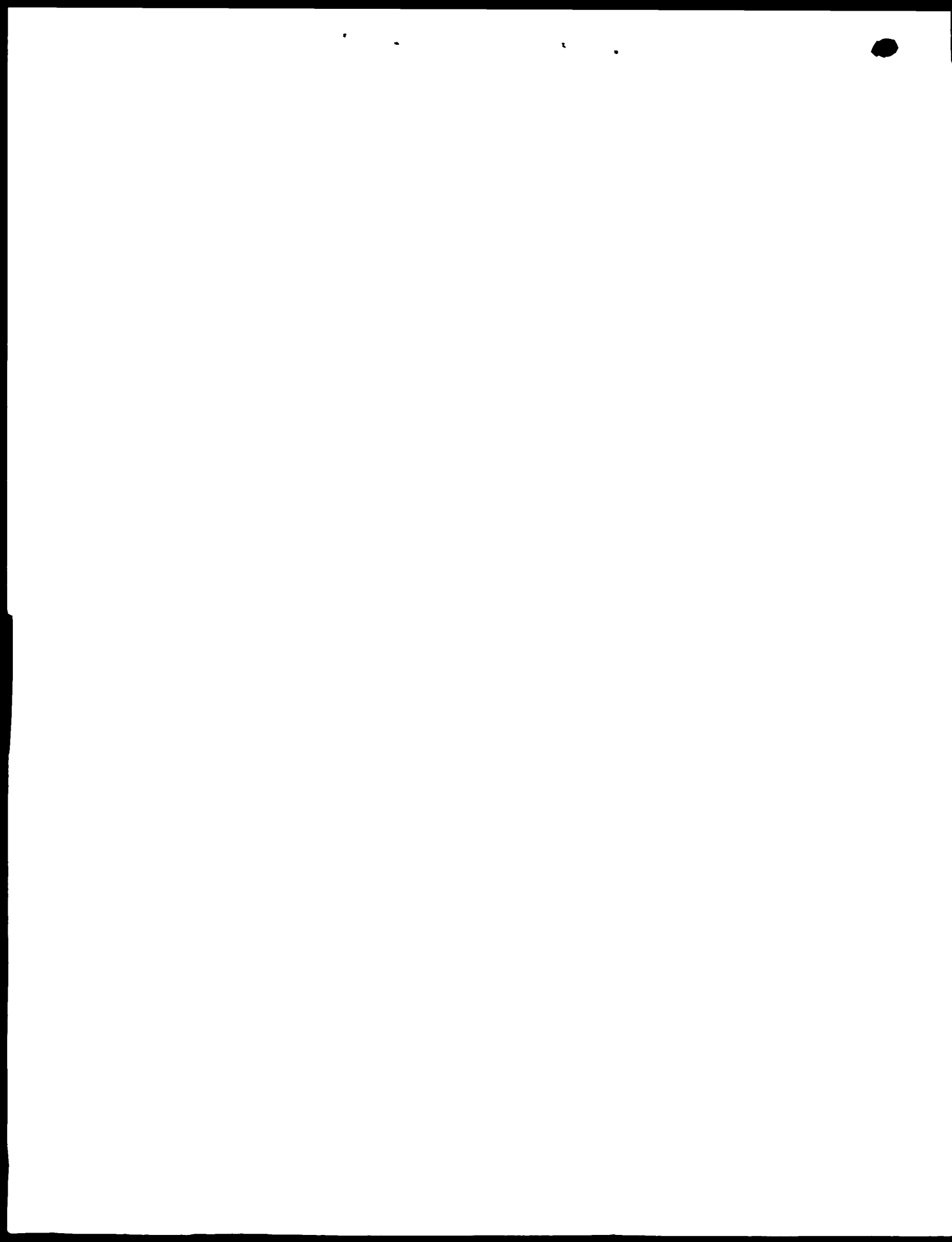
Re-registration under the Companies Act does not constitute a new legal entity but merely subjects the company to certain additional company law rules.



Signed



Dated 28 June 2001



Patents Act 1977
(Rule 16)



The Patent Office

Cardiff Road
Newport
Gwent NP10 8QQ

Request for grant of a patent

(See the notes on the back of this form. You can also get an explanatory leaflet from the Patent Office to help you fill in this form)

1. Your reference

F3271 (C)/rkk

2. Patent application number

(The Patent Office will fill in this part)

14 AUG 2000

0020002.2

3. Full name, address and postcode of the or of each applicant (underline all surnames)

UNILEVER PLC
UNILEVER HOUSE, BLACKFRIARS
LONDON, EC4P 4BQ

Patents ADP number (if you know it)

00001628002

If the applicant is a corporate body, give the country/state of its incorporation

UNITED KINGDOM

4. Title of the invention

METHOD OF PREPARING A FOOD PRODUCT

5. Name of your agent (if you have one)

EVANS, Jacqueline Gail Victoria

"Address for Service" in the United Kingdom to which all correspondence should be sent (including the postcode)

PATENT DEPARTMENT, UNILEVER PLC
COLWORTH HOUSE, SHARNBROOK
BEDFORD, MK44 1LQ

Patents ADP number (if you know it)

043671.42001

6. If you are declaring priority from one or more earlier patent applications, give the country and the date of filing of the or of each of these earlier applications and (if you know it) the or each application number

Country	Priority application number (if you know it)	Date of filing (day / month / year)

7. If this application is divided or otherwise derived from an earlier UK application, give the number and the filing date of the earlier application

Number of earlier application	Date of filing (day/month/year)

8. Is a statement of inventorship and of right to grant of a patent required in support of this request? (Answer 'Yes' if:

YES

- a) any applicant named in part 3 is not an inventor, or
 - b) there is an inventor who is not named as an applicant, or
 - c) any named applicant is a corporate body.
- See note (d))

Patents Form 1/77

9. Enter the number of sheets for any of the following items you are filing with this form. Do not count copies of the same document

Continuation sheets of this form

Description	26
Claim(s)	3
Abstract	1
Drawing(s)	7

10. If you are also filing any of the following, state how many against each item.

Priority Documents

Translations of priority documents

Statement of inventorship and right to grant of a patent (Patents Form 7/77)

Request for preliminary examination and search (Patents Form 9/77)

1

Request for substantive examination (Patents Form 10/77)

Any other documents (please specify)

11. I/We request the grant of a patent on the basis of this application.

Signature(s)

Date: 14/08/00

Sandra Jane EDWARDS, Authorised Signatory

12. Name and daytime telephone number of person to contact in the United Kingdom

Ravinder K Kundra, Tel 01234 222439

Warning

After an application for a patent has been filed, the Comptroller of the Patent Office will consider whether publication or communication of the invention should be prohibited or restricted under Section 22 of the Patents Act 1977. You will be informed if it is necessary to prohibit or restrict your invention in this way. Furthermore, if you live in the United Kingdom, Section 23 of the Patents Act 1977 stops you from applying for a patent abroad without first getting written permission from the Patent Office unless an application has been filed at least 6 weeks beforehand in the United Kingdom for a patent for the same invention and either no direction prohibiting publication or communication has been given, or any such direction has been revoked.

Notes

- a) If you need help to fill in this form or you have any questions, please contact the Patent Office on 0645 500505.
- b) Write your answers in capital letters using black ink or you may type them.
- c) If there is not enough space for all the relevant details on any part of this form, please continue on a separate sheet of paper and write "see continuation sheet" in the relevant part(s). Any continuation sheet should be attached to this form.
- d) If you have answered 'Yes' Patents Form 7/77 will need to be filed.
- e) Once you have filled in the form you must remember to sign and date it.
- f) For details of the fee and ways to pay please contact the Patent Office.

METHOD OF PREPARING A FOOD PRODUCTFIELD OF THE INVENTION

5 The present invention relates to a method for preparing a food product. In particular, the invention relates to a method for preparing a product containing milk protein and exhibiting improved qualities of structure and texture, whereby the need to include a structuring/texturing aid as an additive ingredient is
10 avoided.

BACKGROUND OF THE INVENTION

15 The development of food products having improved texture and structural properties and which do not exhibit storage stability problems is of considerable commercial interest. In the case of ice cream confections, for example, there is a particular need
20 to devise improved methods of combating textural deterioration resulting from the formation of ice crystals caused by cyclic changes in the freezing temperature. Various approaches to overcoming these problems have been described, typically involving the addition of conventional stabilising, thickening
25 and/or structuring additives to the food product during preparation. Polysaccharides such as locust bean gum, guar gum and carrageenan, for example, are commonly added to mask the perception of ice crystals and to improve the texture of ice cream products. Other stabilising agents which are used in food
30 products include homopolysaccharides produced extracellularly by certain bacteria, such as dextran and fructans. Spray-dried dextran-milk powder is available commercially from Quest International under the trade name "Enrich".

Dextrans are homopolysaccharides comprising glucose residues which are produced by the action of the enzyme dextransucrase on sucrose, these enzymes being produced primarily extracellularly
 5 by various lactic acid bacteria including strains from the genera *Streptococcus*, *Leuconostoc* and *Lactobacillus*.

Controlled fermentation of a whey-based medium containing sucrose with the dextran-producing bacterium *Leuconostoc*
 10 *mesenteroides* ATCC 14935 to produce a thickening agent for use in foods is described in US 4,444,793.

US 4,377,634 describes the preparation of a spray-dried dextran and levan (polyfructose) containing composition which gives high
 15 viscosity when rehydrated, by fermenting an aqueous growth medium comprising sucrose with *Leuconostoc dextranicum* NRRL-B-18132. The use of this composition to improve the thickness, stability or texture of food products, including milk drinks, salad dressings, ice cream and frozen yoghurt is also described.
 20 The production of dextran from another *Leuconostoc dextranicum* strain (NRRL-B-18242) and its use, preferably in the form of a dried rehydratable powder, as a texture modifying or improving additive in a similar range of foods is described in US
 5,223,431.

25 According to the taxonomy established by Garvie et al (International Journal of Systematic Bacteriology, 113-119,1983), bacteria of the genus *Leuconostoc*, previously classified as *Leuconostoc mesenteroides*, *Leuconostoc dextranicum*
 30 and *Leuconostoc cremoris*, are subspecies of *Leuconostoc mesenteroides*. In addition to the dextran producing subspecies of *Leuconostoc mesenteroides* mentioned above, two further dextran producing strains of use in texturing food products have

been described in the literature, namely *Leuconostoc mesenteroides* ssp. *cremoris* strains CNCM I-1692 and CNCM-I-1693 (see US 6,004,800).

5 As polysaccharides such as dextran are prepared by anaerobic fermentation of polysaccharide producing strains of lactic acid bacteria, their production is necessarily accompanied by the production of acid (and hence a lowering of pH) as a by-product of anaerobic metabolism. This has generally been regarded as
10 limiting the applicability of methods for producing dextran by microbial fermentation *in situ* in food products, particularly in the case of pH sensitive foods such as those containing milk proteins where lowering the pH can have marked effects on product texture, processability, stability and flavour. Where
15 the product is, for example, a yoghurt or yoghurt-ice, the preparation of which normally involves acidification, this may present no problem but more generally the effects of a substantial drop in pH, especially in combination with high temperature when pasteurisation is necessary after the
20 fermentation step, are likely to be highly detrimental to the quality of the product.

In those instances discussed above where dextran has been proposed as a suitable texturing aid for ice cream products, for
25 example, it is notable that it is always added in the form of a pre-prepared, pH adjusted additive. US 6,004,800 describes the formation of an ice cream where dextran is produced during the manufacturing process, by a method which would not be subject to the problems associated with microbial metabolism, but here
30 again this involves the addition of an additive (active dextransucrase) which has undesirable implications in terms of cost and consumer acceptability.

By contrast, instances of the production of polysaccharide texturing/structuring agents by fermentation *in situ* in yoghurt manufacture have been reported in the literature; here, where acid production is a normal and desired part of the production process, the drop in pH accompanying fermentation does not present problems.

US 6,004,800 (mentioned above) describes the preparation of a yoghurt of acceptable texture and taste by fermentation of dextran producing *Leuconostoc mesenteroides* ssp. *cremoris* CNCM I-1692 (together with non-thickening strains of *Streptococcus thermophilus* and *Lactobacillus bulgaricus*) in the presence of a milk-sucrose medium until the pH reaches a value of 4.5. This reference also discloses yoghurt formation using the enzyme dextransucrase, produced by *Leuconostoc mesenteroides* ssp. *cremoris*, in the presence of sucrose to produce dextran *in situ*. In US 5,308,628 there is described the preparation of a thickener-free, yoghurt-based dairy dessert by culturing *Lactobacillus acidophilus*, *Lactobacillus bifidus* and/or *Streptococcus thermophilus* with various milk constituents to a pH between pH 4.3 and pH 5.5, so that the viscosity of the product is increased to an acceptable level.

Not only is the use of additives to improve the structure and texture of ice creams disadvantageous in economic terms but it is also undesirable in the light of increasing consumer desire for additive-free food products. There therefore remains a clear need for the development of improved methods for preparing ice cream confections and other milk protein-containing products having improved structure and stability properties whilst avoiding the use of additives.

SUMMARY OF THE INVENTION

The present invention provides in a first aspect a method for preparing a food product comprising milk proteins, whereby a precursor mixture comprising protein and a fermentable sugar is fermented with a microorganism under anaerobic conditions to produce a homopolysaccharide, and wherein the pH of the mixture remains within the range of pH 5.5 to 7.0 during fermentation.

10 In a preferred aspect, the invention provides a method of preparing an ice cream pre-mix according to the first aspect and a method of preparing an ice cream confection, comprising pasteurising an ice-cream pre-mix prepared according to the first aspect and aerating and freezing said pasteurised pre-mix.

15 Also provided is a composition comprising an ice-cream pre-mix and a homopolysaccharide-producing microorganism.

The invention further provides a method of using a homopolysaccharide-producing microorganism to produce a polysaccharide in situ in a milk protein based food product, wherein a precursor mixture comprising a milk protein and a fermentable sugar is fermented with said microorganism, and wherein the pH of this mixture remains in the range of pH 5.5 to 25 7.0.

Also provided is an ice cream confection prepared from an ice cream pre-mix in which a polysaccharide is produced in situ according to the method of the invention, optionally combined 30 with a variable proportion of unfermented pre-mix.

As used herein, a "precursor mixture" is a mixture comprising the basic ingredients of the food product, including milk

proteins and a fermentable sugar, and which can be converted into the food product by fermentation, optionally followed by further steps which may include incorporation of components such as additional sugar, flavourings and conventional additives, together with any conventional physical processing steps. An "ice cream pre-mix" is a mixture of milk constituents, sugars and optionally emulsifying agents, flavouring materials or other components conventional in ice cream from which an ice cream confection is prepared following pasteurisation, and freezing with aeration.

The present invention may be more fully understood with reference to the following description when read together with the accompanying drawings.

BRIEF DESCRIPTION OF THE DRAWINGS

Figure 1 shows the time development of viscosity (\square) in mPas and dextran content in mg/ml (\blacklozenge) in an ice cream pre-mix during fermentation with *L. mesenteroides* ATCC10830A. The incubation temperatures and inoculation levels (v/v %) are indicated above each graph. The viscosity was measured before pasteurisation, at a shear rate of 250 s^{-1} .

Figure 2 shows the pH of an ice cream pre-mix, comprising 14% skimmed milk powder and 15% sucrose, fermented with *L. mesenteroides* ATCC10830A, as a function of the viscosity of the pre-mix. The viscosity was measured before pasteurisation, at a shear rate of 250 s^{-1} .

Figures 3 to 3B show Spectrum sensory plots of the texture qualities of ice creams prepared from various pre-mix formulations.

Figures 4 to 4A show Spectrum sensory plots of the flavour qualities of ice creams prepared from various pre-mix formulations.

5

DETAILED DESCRIPTION OF THE INVENTION

The invention is based on the finding that a food product with improved structure and stability may be prepared from a polysaccharide-containing precursor mixture wherein the polysaccharide is produced *in situ* in the precursor mixture by fermentation with a polysaccharide-producing microorganism under anaerobic conditions, while the pH remains within the range of pH 5.5 to pH 7.0.

15

Contrary to the expectation from the art that the accompanying drop in pH renders the *in situ* production of polysaccharides by microbial fermentation unsuitable for use in the production of acid-sensitive foods, such as those containing milk proteins, the present inventors have surprisingly found that, by selection of an appropriate microorganism and control of the fermentation conditions, it is possible to achieve a balance between polysaccharide production and acidification in the fermentation process such that a polysaccharide-containing product of good structure and stability, with no impairment texture or flavour, may be produced.

Experience with milk-based products such as ice cream suggests that a "cultured milk flavour" tends to become detectable at pH values below about 5.8 which, while acceptable in some products such as yoghurt, is otherwise undesirable. However the present inventors have found that this flavour can be masked by mixing the fermented precursor mixture with unfermented mixture, whilst

30

still retaining the beneficial structuring effects of *in situ*-generated polysaccharide. Below pH 5.5, however, protein aggregation becomes significant, leading to noticeable textural changes in the food product, especially if it has to be
5 pasteurised. These changes in the milk proteins are not reversible and therefore cannot fully be ameliorated by dilution with unfermented precursor mixture. With, once again, the exception of normally acidic products such as yoghurt, this effect is very undesirable and pH 5.5 is, therefore, an
10 effective lower limit to which the pH may be allowed to drop for the purposes of this invention. Preferably the pH remains in the range between 5.7 and 6.2, most preferably between 5.8 and 6.2.

It would, of course, be possible to maintain the pH of the
15 precursor mixture during the fermentation process within the desired range artificially, for example by controlled addition of a base using a pH-stat, but this is both technically inconvenient and undesirable in the preparation of food products, particularly where a 'natural' preparation is desired.
20 It is a particular advantage of the method of the present invention that additional technical steps of this nature are not required.

The production of polysaccharide *in situ* from sugars present in
25 the precursor mixture by a natural fermentation process affords the possibility of avoiding the need to add stabilising or structuring additives to achieve acceptable product structure and texture, leading to substantial savings in cost and also improved consumer acceptability. *In situ* polysaccharide
30 production can also provide additional benefits in flavour generation: polysaccharides added in conventional dried form can lead to flavour deterioration resulting from loss of flavour or occurrence of off-flavours caused by the drying step.

The invention is applicable to any food product based on a precursor mixture comprising milk protein and a fermentable sugar, wherein the precursor mixture has a pH value between 5.5 and 7.0. In a preferred embodiment, the product is an ice cream pre-mix. It will be appreciated that, although the invention is described herein primarily with reference to ice cream, it is applicable to other products such as sherbets, ice milks, sorbets, frozen custards and salad dressings.

10

Conveniently, the milk will be an animal milk but vegetable-derived alternatives such as soya milk can also be used. There is no criticality in the source of the milk protein in the present method, and it may be incorporated as liquid milk, cream, skimmed milk, milk powder or skimmed milk powder, for example.

15

The polysaccharide to be generated *in situ* according to the invention is a homopolysaccharide produced extracellularly under anaerobic conditions by a microorganism. Bacteria which produce heteropolysaccharides generally do so at much lower levels, in comparison, and it is unlikely that the desired levels could be produced *in situ* while the pH remained in an acceptable range. In a particularly preferred embodiment the polysaccharide is dextran, produced from sucrose present in the precursor mixture. Other suitable polysaccharides would include fructans such as levan.

20

25

30

The invention is applicable to any microorganism which is capable of producing extracellular homopolysaccharides (composed of one type of glycopyranose residue) on fermentation with a suitable sugar under anaerobic conditions provided that the rate

of polysaccharide production compared to rate of acidification is such that the pH of the pre-mix remains at or above pH 5.5 during fermentation. Suitably, the microorganism for use according to the invention is a homopolysaccharide-producing lactic acid bacterium. Preferred homopolysaccharide-producing lactic acid bacteria are dextran (glucose polymer) and/or fructan (fructose polymer) producing strains of the genus *Leuconostoc*, such as the subspecies of *Leuconostoc mesenteroides*, *Leuconostoc dextranicum* NRRL-B-18132 and NRRL-B-18242, *Leuconostoc mesenteroides* ssp *cremoris* strains CNCM I-1692 and CNCM-I-1693 described in US 4,444,793, US 4,877,634, US 5,223,431 and US 6,004,800 respectively, mentioned above.

According to a particularly preferred embodiment, the polysaccharide producing microorganism is a dextran-producing *Leuconostoc mesenteroides* ssp *mesenteroides* strain, such as *Leuconostoc mesenteroides* ssp *mesenteroides* ATCC 10830, ATCC 10830a or ATCC 27258.

Where the precursor mixture for use according to the invention is an ice cream pre-mix, this may be any conventional formulation and may suitably comprise milk solids (either fat or non-fat solids), sucrose, water and optionally other sugars, corn syrup, flavourings any other additional components generally used in ice cream formulation. The fat content of the pre-mix is not critical to the present method and fats may optionally be included from butterfat, cream or vegetable sources. The pre-mix may be prepared by admixture of the ingredients in the proportions generally employed in the art.

By means of the invention, polysaccharide is produced *in situ* in the precursor mixture in an amount sufficient to achieve the desired structure/texture benefits in the processed ice cream

product but at a rate which does not lead to an unacceptable drop in pH of the mixture. In the case of an ice cream pre-mix, the polysaccharide level achieved should desirably be at least 0.3% by weight of the pre-mix, preferably 0.5% to 0.7% by weight. These values may vary somewhat for other types of food material but are likely to be in a similar range. It will be appreciated that the desired polysaccharide level may vary within this range, depending on the formulation of the product. For example, it would be expected that the desired polysaccharide level would generally be different and may be higher for products with a high fat content than for those with less fat.

A fermentable sugar is required in the pre-mix both as a substrate for polysaccharide production and, typically, to provide sweetness in the food product. Where the polysaccharide to be produced is dextran, the sugar will be sucrose. In a preferred embodiment, where the product is an ice cream pre-mix, an amount of sucrose (before fermentation) of from 1% to 17.5% by weight, preferably from 7.5% to 15% by weight, should suitably be present. The inventors have found it particularly convenient to use a pre-mix comprising 15% by weight sucrose (a level that is conventional in ice cream formulation) in the fermentation, as this optimises polysaccharide production whilst leaving remaining sufficient unmetabolised sucrose that the need to add additional sucrose post fermentation to achieve acceptable taste properties in the final product is avoided.

The precursor mixture may conveniently be inoculated with a preculture (grown in any suitable food-grade medium) of a homopolysaccharide-producing microorganism, in an amount of from 0.01% to 5% of the volume of the mixture. In a preferred embodiment the precursor mixture may be inoculated using frozen

beadlets comprising a preculture of the microorganism, conveniently in an amount of from 0.12 to 1% of the precursor mixture volume.

- 5 The anaerobic fermentation may conveniently be carried out at a temperature of from 10°C to 30°C, for a time period of from 4 to 48 hours. It will, of course, be appreciated that the desired polysaccharide content of the precursor mixture can be achieved by using a variety of combinations of these parameters; suitable
10 combinations can be established straightforwardly without the need for undue experimentation. The inventors have shown that the accumulation of polysaccharide, as reflected in the changing viscosity of the fermenting precursor mixture, correlates approximately linearly with the easily monitored pH of the
15 mixture (provided, of course, that the pH does not drop to a point where gelation occurs), thus further facilitating the process of optimisation of the fermentation conditions.

- Fermentation conditions may be chosen to yield a precursor
20 mixture that can be processed directly to produce the final food product after fermentation and pasteurisation. More preferably, however, the fermented precursor mixture may be diluted with non-fermented mixture in order to achieve optimal polysaccharide content (and hence viscosity) prior to further processing. The
25 non-fermented mixture may have the same composition as the fermented precursor mixture had prior to fermentation, or it may be different. This approach has several advantages in that the amount of material that needs to be fermented is reduced, a single batch of fermented precursor mixture may be incorporated
30 into a range of different final products, and any off-flavours developed during fermentation can be masked by dilution.

When the desired composition has been achieved, polysaccharide production in the precursor mixture may conveniently be ended by pasteurisation. This would also help to improve the viscosity of the product. Alternatively, where it is appropriate to the particular product, it may effectively be stopped simply by cooling or freezing. The resulting mixture may then constitute the final product or it may be converted to the product by further steps which may include incorporation of additional components such as flavourings and supplementary sugars, and any conventional physical processing steps. Where the precursor mixture is an ice cream pre-mix, conversion of the fermented, and optionally pasteurised and blended pre-mix to ice cream would involve conventional processing steps including aeration and freezing.

The following examples are provided by way of illustration only.

Example 1. General methods for investigating *in situ* polysaccharide production in ice cream pre-mixes.

(i) *Culturing protocol for Leuconostoc mesenteroides in ice cream pre-mix.*

- Starter culture: A frozen stock (1 ml) of *Leuconostoc mesenteroides* subsp. *mesenteroides* ATCC10830A was thawed and transferred aseptically into 100 ml of XVM medium^a + 10% sucrose. This was incubated at 25°C for 24 hours (or longer, until it had become viscous and the pH had dropped below 5.0).
- Frozen stock cultures for long term storage: A full grown starter culture, with a cell density of approximately 10^9 cells/ml was mixed with sterile glycerol to a final concentration of 10%. 1 ml aliquots were dispensed into

sterile screw capped tubes and stored at -80°C for later use.

- Preparation of a preculture. A volume of XVM medium + 10% sucrose, sufficient for subsequent inoculation of the ice cream pre-mix (typically 1 to 5% of the pre-mix volume), was prepared and inoculated aseptically with 1/100 volume of the starter culture. This was incubated at 25°C for 24 hours by which time the culture should have become viscous and its pH should have fallen below 5.0.
 - Culturing of a pre-mix batch. A chosen amount of preculture (typically 1 to 5%) was added aseptically to the pasteurised pre-mix batch and incubated under the conditions chosen for investigation. Samples of the preculture and of the pre-mix immediately after inoculation were taken for microbiological evaluation (plate count). The pH and viscosity of samples of the pre-mix were measured at the start of fermentation and at intervals later on to monitor polysaccharide production.
- ^aXVM medium was prepared by combining 90g skimmed milk powder, 3.5g yeast extract (Difco) and 3.5g peptone (Difco) with 1 litre water. The mixture was autoclaved at 110°C for 15 min. A 60% (w/v) sucrose stock was prepared separately and autoclaved at 120°C for 20 min. XVM + 10% sucrose was prepared by mixing 1/6 volume of the sucrose stock solution with XVM in a sterile bottle.

(ii) *Determination of dextran content of ice cream premixes.*

For the experiments described in examples 2 and 3: 7.5 ml 60% (w/w) trichloroacetic acid solution was added to a 30 ml

sample of fermented pre-mix and the mixture stirred thoroughly for 45 minutes. The sample was then centrifuged for 45 minutes at 5000 r.p.m. in a Sorvall HS-4 rotor. 25 ml of supernatant was collected and the pH adjusted to 4.0 using 10 N NaOH. 15 ml of this material was then dialysed for 24 hours against regularly refreshed demineralised water using a pre-treated dialysis tube (previously boiled in 2% w/v NaHCO₃ solution and then demineralised water). The contents of the dialysis tube were then frozen at -40°C and freeze-dried. The dry sample was dissolved in 1 ml 100 mM NaNO₃ containing 200 ppm NaN₃ and centrifuged at 5000 r.p.m. for 5 minutes.

Gel permeation chromatography was carried out using a PL-GFC 8 µm guard column (50 x 7.5 mm), a TSK gel G60COPW 17 µm column, (TosoHaas), a PL-GFC 4000A 3 µm column and a PL-GFC 1000A 8 µm column (Polymer Laboratories) at 45°C (all columns were 300 x 7.5 mm). The sample was introduced into the GPC system using 100 mM NaNO₃ solution (containing 200 ppm NaN₃) as eluent. The polysaccharide present was detected using a refractive index detector. Concentrations were calculated using a calibration curve established for purified dextran with an average molecular weight of 7×10^5 Da, at concentrations of 0.2, 0.4, 1.1 and 1.6 mg/ml. The molecular weight of the dextran was determined by laser light scattering (TRALLS) using a mini-DAWN detector.

For the experiments described in example 5: To 31g of melted ice cream were added 7.5ml of 60% w/v trichloroacetic acid (Fisher Chemicals A.R. grade) and the mixture was stirred for 45 minutes.

The mixture was centrifuged at 11,000 r.p.m. $11,000 \times g$ for 30 minutes at 5°C to sediment the proteins, cream the fats and give a clear supernatant. The supernatant was removed and its pH adjusted by addition of 10M sodium hydroxide solution to between 4.0 and 4.5.

The mixture was transferred to previously washed (5 min in boiling de-ionised water) dialysis tubing (Visking 19 mm inflated diameter cellulose - Molecular weight cut-off 12,000 to 14,000). The samples were allowed to dialyse for three days with three changes of de-ionised water per day at 4°C. The contents of the dialysis bags were freeze dried and the residue weighed.

Samples of this material were then analysed for dextran content by High Performance Size Exclusion with Multi-Angle Laser Light Scattering (HPSEC-MALLS). Sample solutions (0.5%) were prepared in 0.1M sodium nitrate, filtered through a 0.45µm filter (PVDF, Whatman) to remove any remaining fat and then heated to 45°C. The dissolved sample (200µl) was applied to the SEC-MALLS-RI system via a Rheodyne injection valve.

The chromatography system consisted of a Gilson pump (model 305), Anagel-TSK FW_{XL} G4000, G5000 and G6000 columns in series (7.8 x 300mm, Anaschem), in combination with a TSK FW_{XL} guard column (5.0 x 40mm). Columns were eluted with 0.1M sodium nitrate filtered under vacuum through a 0.02µm membrane (Anodisc 47, Whatman) and degassed under vacuum. The flow rate was 0.5 ml/min. Light scattering was detected by a DAWN-F MALLS photometer equipped with a K5 flow cell ($n=1.52364$) and a high temperature read head. The photometer

light source was a He-Ne laser, 633nm, 5mW (Wyatt Technology, Santa Barbara, California). The MALLS detector and columns were operated at a temperature of 45°C. A Wyatt Optilab Interferometric Refractometer with a measuring wavelength of 5 633nm was used at a temperature of 45°C.

Prior to the measurements, the DAWN-F MALLS photometer was calibrated and normalised. The calibration constant was determined by measuring the scattering (at the 90° detector) 10 from a pure solvent (toluene), with known Rayleigh ratio. All other detectors were normalised to the calibrated detector by measuring the scattering from a sample of P50 (~50 kDa MW) Pullulan standard (Showa Denko, Japan) which scatters light isotropically i.e. equally in all directions. 15 The performance of the columns was also checked using pullulan standards ranging from 5 to 800 kDa.

(iii) Determination of viscosity of ice-cream pre-mixes.

20

For the experiments described in examples 3 and 4:

Viscosity was measured at 10°C on a Carrimed CSL50 rheometer, with an acrylic cone, 6cm and 2° angle. Readings were taken at 50 s⁻¹ and 250 s⁻¹.

25

For the experiments described in example 5: Viscosity was determined using a Haake VT500 rheometer with a MV1 sensor. Measurements were made at 5°C. A shear rate sweep from 0 to 30 300 s⁻¹ over 5 minutes was made and the viscosity values recorded. Viscosities at 50 s⁻¹ are given in example 5.

(iv) Preparation of ice cream from pre-mixes

Ice cream was prepared using a standard continuous scrape
surface heat exchange freezer. The target over-run was
5 around 100%, and this was achieved for most products.

(v) Sensory data analysis.

Sensory and flavour properties of products prepared
10 according to the invention were assessed using the Spectrum
(Trade Mark Descriptive Analysis (SDA) method, as described
in 'Sensory Evaluation Techniques', (Meilgaard, Civille,
Carr, 2nd edition, 1991, ISBN 0-8493-4280-5), see pages 196-
198 and Muncz, Civille, 1998, J. Sensory Studies, 13, 57-75.

15 Both fresh and 'temperature abused' samples were evaluated.
Temperature abuse was carried out by tempering at -25°C for
one week after production, then alternating between -10°C
and -25°C for 12 hour periods, consecutively for 2 weeks.

20 Ice cream samples were brought into the preparation area 10
minutes prior to evaluation, in an insulated cooler. Samples
were then removed from their containers and cut into
25 approximately 64 ml cubes which were placed in 3 oz souffle
cups for presentation to the panellists. Samples were
evaluated when the sample temperature was between 10° and
15°F. Panellists evaluated the sample by scooping
approximately 1/3 of the portion block with a heavyweight
30 plastic spoon then evaluating the product for flavour and
texture. Panellists were allowed another cube if needed.
Panellists expectorated the samples after evaluation.

Example 2. Dextran production by *Leuconostoc mesenteroides* in an ice cream pre-mix: dependence on sucrose concentration.

5 Ice cream premixes containing 14% skimmed milk powder in demineralised water and varying amounts of sucrose were inoculated with 1% v/v of a preculture of *L. mesenteroides* strain ATCC10830A, grown in fortified milk (XVM medium). The premixes were incubated for 24 hours at various temperatures and
10 the accumulated concentrations of dextran were then determined. The results, expressed as % w/v dextran, are summarised in the following table:

15	Initial sucrose						
	content ^a	5	7.5	10	12.5	15	17.5
	Temp (°C)						
	23	0.51	0.83	0.79	0.59	1.29	0.37
	16	-	-	0.76	0.89	0.79	0.81
20	11	-	-	0.10	0.15	0.13	0.07

^aExpressed as % (w/v)

(- indicates not determined)

25 The results demonstrate that the amount of dextran formed is not strongly dependent on the initial sucrose concentration, at least in the range from 7.5% to 15%, though there is some decrease in yield at concentrations outside this range. This means that a typical pre-mix containing 15% sucrose can be used
30 for fermentation, avoiding the need for addition of additional sugar after fermentation.

Example 3. Optimisation of growth conditions for *L. mesenteroides* ATCC10830A in an ice cream pre-mix containing 15% sucrose.

5 Samples of pre-mix as in example 1, and containing 15% sucrose initially, were inoculated with a preculture of *L. mesenteroides* ATCC10830A (inoculation volumes of 1% and 5% were investigated) and incubated at various temperatures and for various lengths of
10 time. The dextran concentration and viscosity of each sample were then determined. The results are summarised in Figure 1.

The accumulation of dextran, and hence the viscosity of the pre-mix remained very low during the first 8 hours of fermentation at all temperatures. After 24 hours there was a marked increase
15 in viscosity, compared to that of an unfermented control sample, at all incubation temperatures, though the effect was greater at the higher temperatures. Incubation for longer than 24 hours resulted in highly viscous mixtures. For all incubation times and temperatures tested, inoculation with 5% v/v of preculture
20 gave higher viscosities than inoculation with 1%.

It is clear from the data that a desired viscosity or dextran concentration can be achieved with various combinations of these parameters. For example, a viscosity of around 15 mPas
25 (determined at a shear rate of 250s^{-1}), which is suitable for a typical ice cream product, is obtainable by incubation at 10°C for 16 hours with a 5% inoculation, or at 15°C for between 8 and 16 hours with a 1% inoculation. Equally, the target viscosity or dextran content could be achieved by dilution of a fermented
30 premix with a higher dextran content with unfermented premix.

Example 4. Effect on the pH of an ice cream pre-mix containing 15% sucrose of fermentation with *L. mesenteroides* ATCC10830A.

- 5 The proliferation of the bacteria and the culture pH were monitored during the fermentation tests described in example 3. The number of cells per gram of pre-mix at inoculation was found to be 1.3×10^7 for a 1% inoculation and 6.7×10^7 for a 5% inoculation. These values had increased to 1.1×10^8 (1% inoculation, incubated at 10°C) and 1.3×10^9 (5% inoculation, incubated at 20°C) after 24 hours.

The initial pH of the pre-mix was 6.35 and this was found to have decreased to 6.23 (1% inoculation, incubated at 10°C) or 5.88 (5% inoculation, incubated at 20°C) after 24 hours. Under other conditions (e.g. 2% inoculation, incubated at 25°C for 24 hours) it was found that fermentation with *L. mesenteroides* ATCC10830A could cause the pre-mix pH to fall at least as low as 5.5. By combining the data obtained from all conditions tested, an approximately linear correlation was observed between the pH of a fermented pre-mix sample and its viscosity, as shown in Figure 2. The details of the pH dependence will, of course, depend on the starting pH and the specific formulation but the inventors have observed an approximately linear dependence of viscosity on pH for pre-mixes with a range of different compositions, always provided that the pH remains above a value where the pre-mix begins to gel. These results suggest that monitoring of the culture pH should provide a very convenient way of following the accumulation of polysaccharide in a production-scale implementation of the method.

Example 5. Preparation of ice creams from fermented and unfermented pre-mixes.

In order to test the eating quality of ice cream derived from a pre-mix that had been fermented with *L. mesenteroides* ATCC10830A, with that derived from unfermented pre-mix or pre-mix supplemented with a commercial, spray-dried dextran preparation, a number of formulations were prepared. The pre-mix compositions were as follows:

Ingredient	Supplemented pre-mixes	Fermented and untreated pre-mixes
cream	10.17	10.17
condensed skimmed milk	53.67	54.46
sugar	14.00	14.90
corn syrup	3.26	3.26
Enrich 221/301 ^a	1.30	0.00
water	17.60	17.21
Total solids	36.90	36.70

^aspray-dried dextran-containing products of Quest International Ltd.

All mixtures additionally contained vanilla flavour.

Two batches of the unsupplemented premix were fermented with *L. mesenteroides* ATCC10830A in a jacketed vessel. The incubation temperature was controlled by a tap water stream through the jack and manual temperature measurements. The cultures were stirred continuously and samples were taken aseptically for off-line pH- and viscosity measurements.

- Fermentation A: The pre-mix was cooled after pasteurisation to 13.7°C at inoculation. The incubation temperature rose shortly to 33°C and was then kept at 15°C. As the temperature rose slowly the cooling level was adjusted and the stirring speed was reduced after 28 h of culturing. This resulted in a gradual temperature decrease to 3°C after 36 h. After 42 h the temperature was adjusted to 10°C. After 45 h the pH had fallen to 6.2 and the fermentation was then stopped by pasteurisation.
- Fermentation B: After pasteurisation, the pre-mix was cooled to 23°C and inoculated with the preculture. The culture was then left without cooling. After 21 h the temperature had dropped to 20.4°C and was then adjusted to 22°C by a short pulse of hot water through the mantle of the vessel. The pre-mix pH dropped to 5.8, with a viscosity of 150 mPas (at a shear rate of 50 s⁻¹) after 25 h, at which point fermentation was stopped by pasteurisation, resulting in a viscosity increase to 210 mPa.s.
- Various combinations of these fermented pre-mixes with unfermented pre-mix were prepared, and the viscosity and dextran content of these, as well as those of the premixes supplemented with Enrich 221 or 301, were determined. The results are summarised below:

Pre-mix Code	Composition	Viscosity ^a	Dextran content ^b
100	untreated	14	0
221	+ 1.3% "Enrich 221"	21	0.16
301	+ 1.3% "Enrich 301"	31	0.09
101	fermentation A	52	0.56
401	fermentation B	210	0.94

100	1:1 A + untreated	23	0.22
400	1:1 B + untreated	40	0.60
405	1:4 B + untreated	23	0.26

^aExpressed in mPa.s; determined at a shear rate of 50 s^{-1}

^bExpressed as % (w/v), $\pm 0.1\%$.

5

Each of these pre-mix formulations was converted to ice cream on a standard continuous scrape surface heat exchange MF75 freezer, with an over-run of around 100% being achieved in each case, except for pre-mix code 401, for which an over-run greater than 50% could not be obtained.

Example 6. Sensory analysis of ice cream formulations

15

The ice cream samples prepared as described in example 5 were subject to a "Spectrum" sensory analysis of their texture and flavour properties, as perceived by a panel of trained tasters. For each formulation, the analysis was performed on both a fresh sample and a sample that had been subjected to temperature abuse, as described in example 1.

(i) Texture data

Texture maps for the ice cream products derived from each of the pre-mix formulations listed above are shown in Figures 3 to 3B. In these maps the prefix S to each sensory quality indicates the perception of the surface of the ice cream, FC indicates the first compression (between tongue and palate), M indicates manipulation (in the mouth) and F indicates

residual texture. The radial axis for each parameter is scored in arbitrary units, with 15 being a high rating for the attribute concerned.

- 5 The untreated pre-mix (code 100) yields an ice cream that shows marked, generally deleterious, changes in some sensory properties upon temperature abuse. In particular there is a clear increase in perceived "crystallinity" and other parameters likely to reflect the presence of ice crystals.
- 10 Addition of either Enrich 221 (code 221) or Enrich 301 (code 301) reduces this sensitivity to temperature only partially.

- In situ* generation of dextran is shown to be very effective
- 15 in protecting against this textural deterioration upon temperature abuse. Thus, the pre-mix that had been subject to fermentation A (to pH 6.2) gave an ice cream (code 101) with a texture that showed improved texture compared to the untreated case even in a fresh sample, as well as much
- 20 diminished sensitivity to temperature abuse. Dilution of this pre-mix with unfermented pre-mix in an equal proportion gave formulation 102, which had a viscosity comparable to that resulting from addition of 1.3% Enrich 221. The ice cream derived showed some sensitivity to temperature abuse,
- 25 but noticeably less than that observed from the ice cream derived from pre-mix 221.

- Fermentation B (to pH 5.8) gave a pre-mix (code 401) with a very high viscosity, for which only a limited over-run could
- 30 be obtained when it was attempted to work it up into ice cream. The product had a very different texture to those of the other ice creams and, indeed, its structure was found to be very much like that of yoghurt. However dilution of this

either 1:1 or 1:4 with unfermented pre-mix to give pre-mixes 402 and 408 respectively; led to ice creams with good structure and texture and, most noticeably, very good resistance to deterioration upon temperature abuse. In the case of pre-mix 402, especially, the texture both before and after temperature abuse is better before and especially after temperature abuse, in terms of lower crystallinity, than either the ice cream prepared from untreated mix or those prepared from mixes supplemented with the spray-dried dextran product.

(ii) Flavour data

Spectrum sensory maps showing the flavour profiles of ice creams derived from the pre-mix formulations described above are shown in Figures 4 and 4A.

The untreated pre-mix (100), as well as those supplemented with the spray-dried dextran additives (221 and 301) gave ice creams that show good profiles with no significant undesirable flavours detected. The undiluted, fermented premixes (101 and 401) gave ice creams with flavours that show some modification as a result of the bacterial action. Most significantly, there is an increased sourness that is pronounced for 401 but more marginal for 101. Importantly, however, the 1:1 diluted pre-mix 402 gave an ice cream in which these undesirable flavours were effectively suppressed, even though the desirable structuring and stabilising effects were, as shown above, retained.

Claims

1. A method for preparing a food product comprising a milk protein, wherein a precursor mixture comprising a milk protein and a fermentable sugar is fermented with a microorganism under anaerobic conditions to produce a homopolysaccharide, and wherein the pH of said mixture remains within the range of pH 5.5 to 7.0 during fermentation.
2. A method according to Claim 1 wherein fermentation is followed by pasteurisation and optionally aeration and freezing.
3. A method according to Claim 1 or Claim 2 wherein the pH of the precursor mixture remains within the range of pH 5-8 to 6.2 during fermentation.
4. A method according to any of claims 1 to 3 wherein the microorganism is a dextran and/or fructan producing lactic acid bacterium.
5. A method according to any one of Claims 1 to 4 wherein the microorganism is a lactic acid bacterium of the genus *Leuconostoc*.
6. A method according to any one of Claims 1 to 5 wherein the microorganism is a dextran-producing strain of *Leuconostoc mesenteroides* subspecies *mesenteroides*.
7. A method according to any one of Claims 1 to 6 wherein the microorganism comprises a strain selected from *Leuconostoc*

Mesenteroides subspecies mesenteroides, ATCC 11931, ATCC 11930a or ATCC 27286.

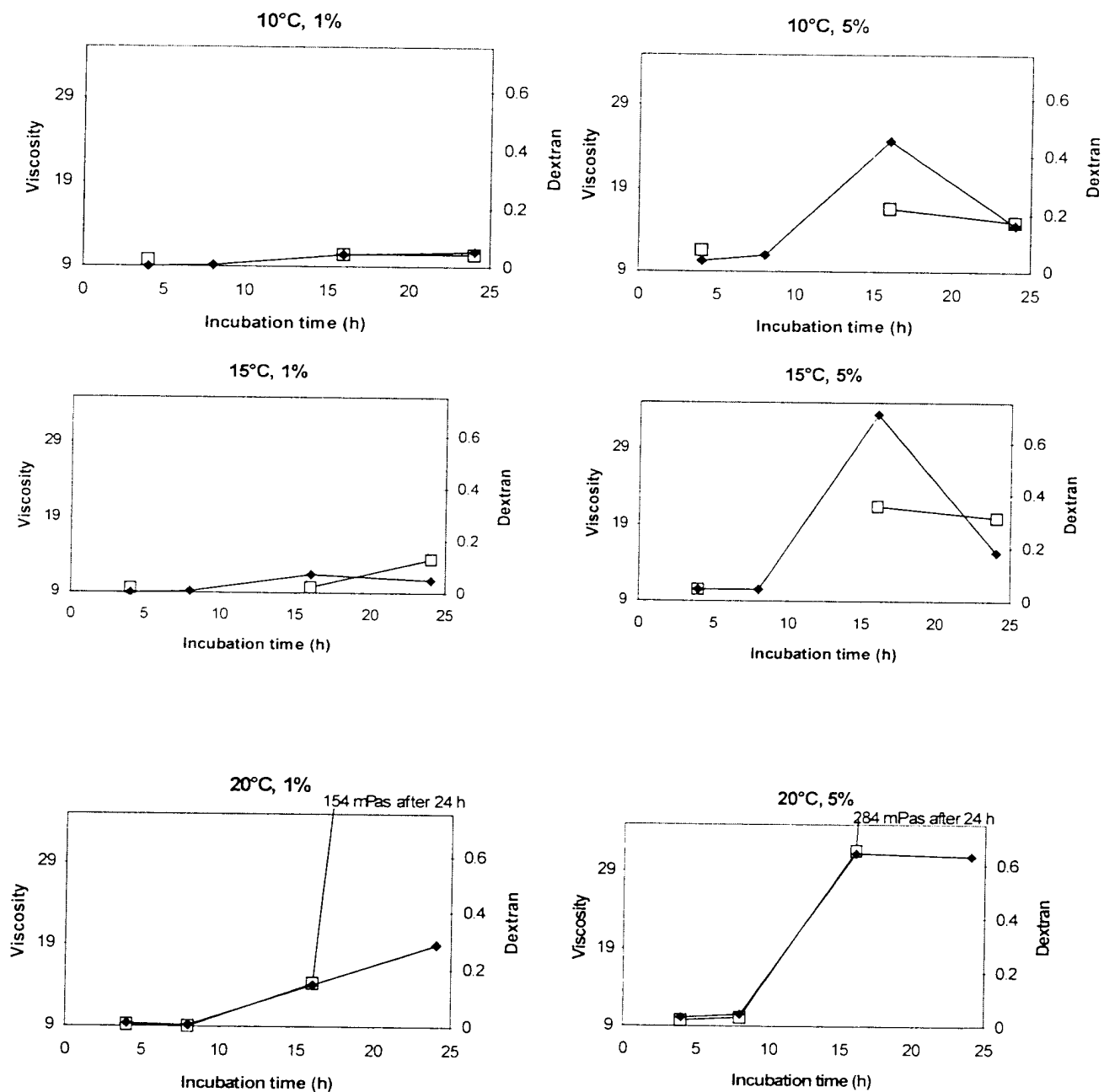
- 5 8. A method according to any one of Claims 1 to 7 wherein the homopolysaccharide is produced in an amount of at least 0.3% by weight of the precursor mixture.
- 10 9. A method according to any one of Claims 1 to 8 wherein the precursor mixture is inoculated with beadlets comprising a preculture of the microorganism.
- 15 10. A method according to any one of Claims 1 to 9 wherein the fermentation is carried out at a temperature of from 10° to 30°C.
- 20 11. A method according to any one of Claims 1 to 10 wherein the fermentation is carried out for a period of from 4 to 48 hours.
- 25 12. A method according to any one of Claims 1 to 11 wherein the fermented precursor mixture is diluted with non-fermented precursor mixture.
- 30 13. A food product prepared according to the method of any one of Claims 1 to 12.
14. A food product according to Claim 13 which is an ice cream confection.
15. A composition comprising an ice-cream pre-mix and a homopolysaccharide-producing microorganism.

16. Use of homopolysaccharide-producing microorganism to produce a polysaccharide in-situ in a milk protein based food product at a pH in the range of pH 5.5 to 7.0.
- 5 17. Use according to Claim 16 wherein the food product is an ice cream confection.

Abstract

A method for preparing a food product comprising a milk protein is provided whereby a precursor mixture comprising milk protein
 5 and fermentable sugar is fermented with a microorganism under anaerobic conditions to produce a homopolysaccharide and wherein the pH of the mixture remains within the range of pH 5.5 to 7.0 during fermentation.

Figure 1



- 32 -

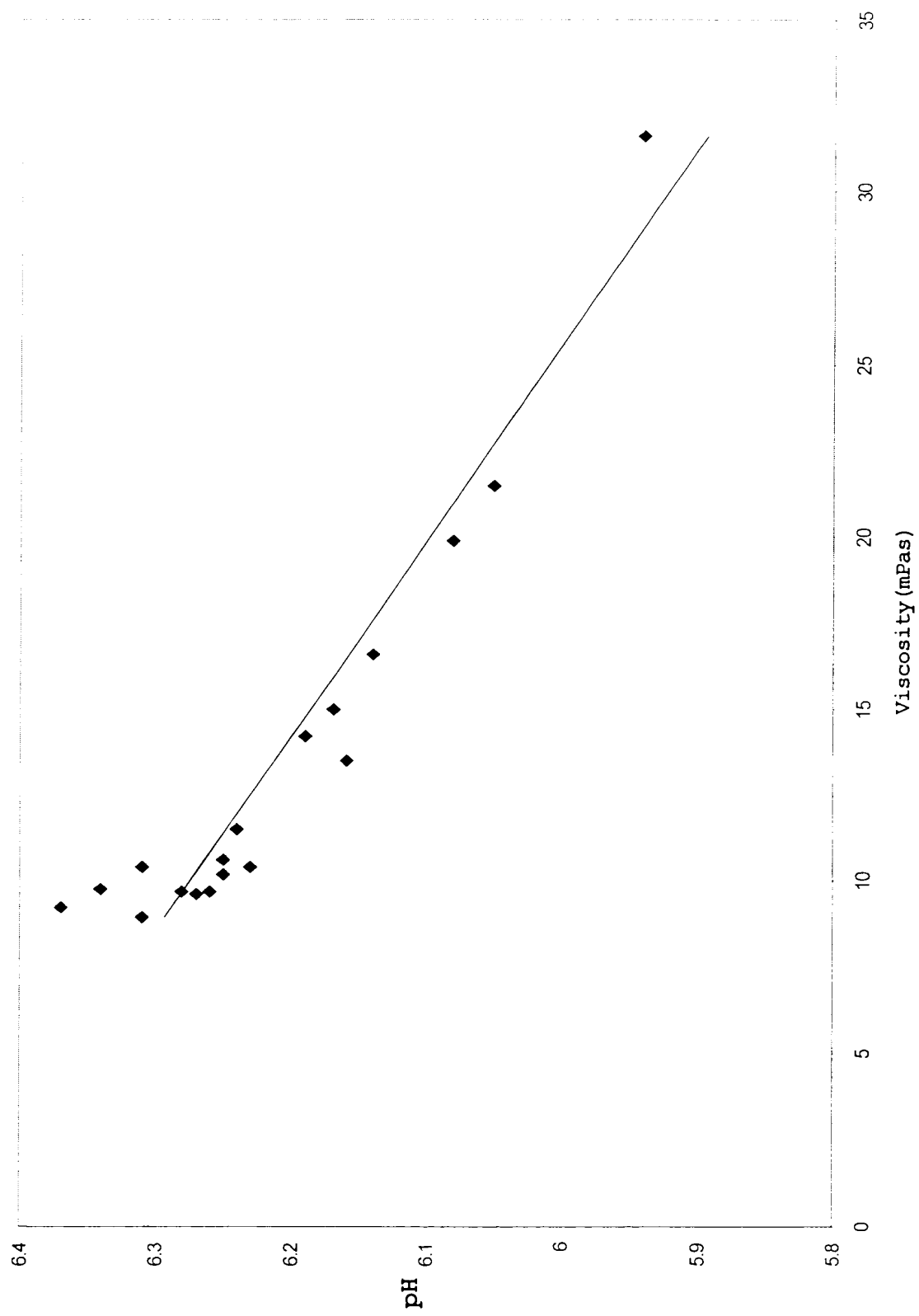
Figure 2

Figure 3

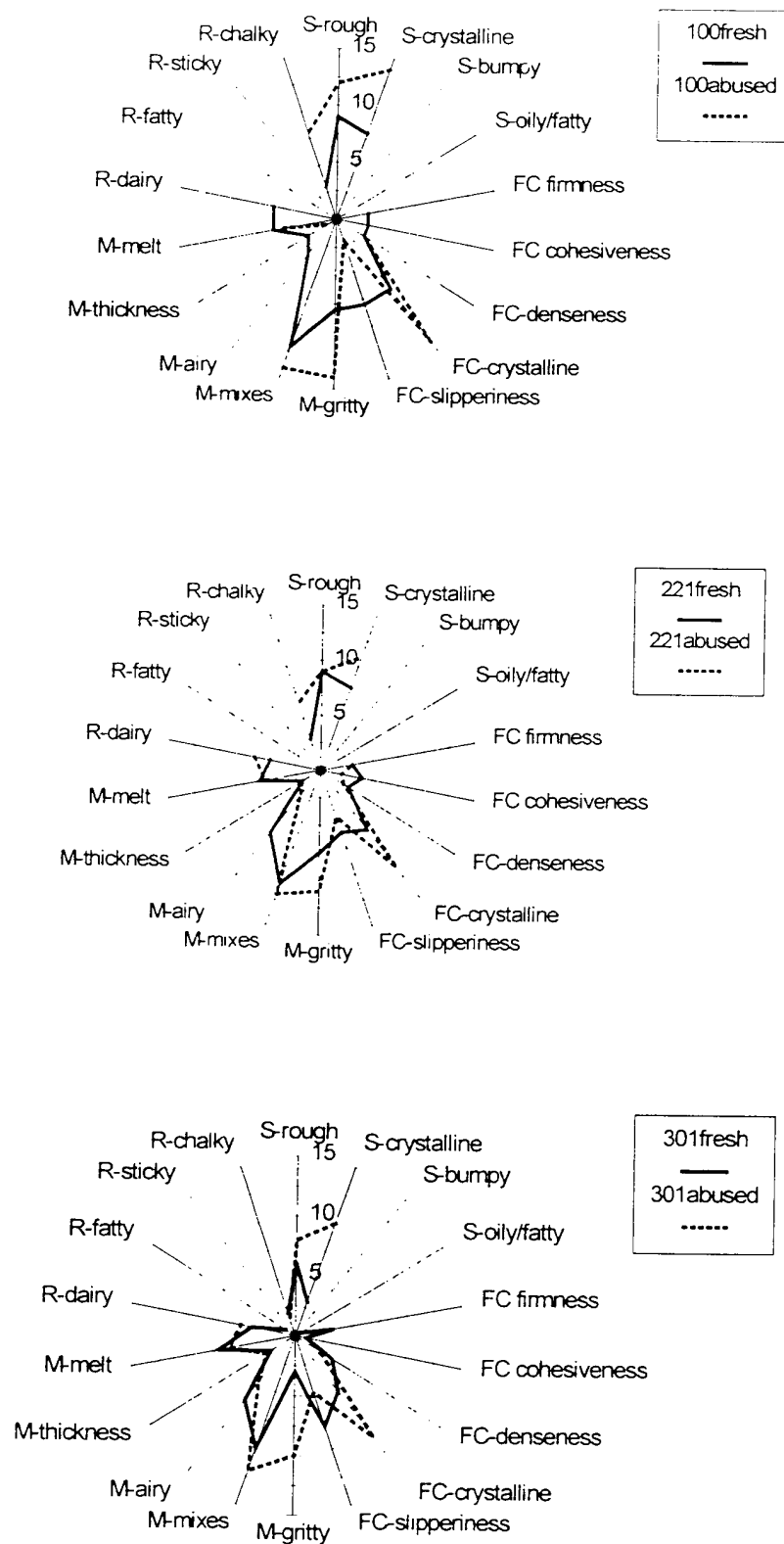


Figure 3A

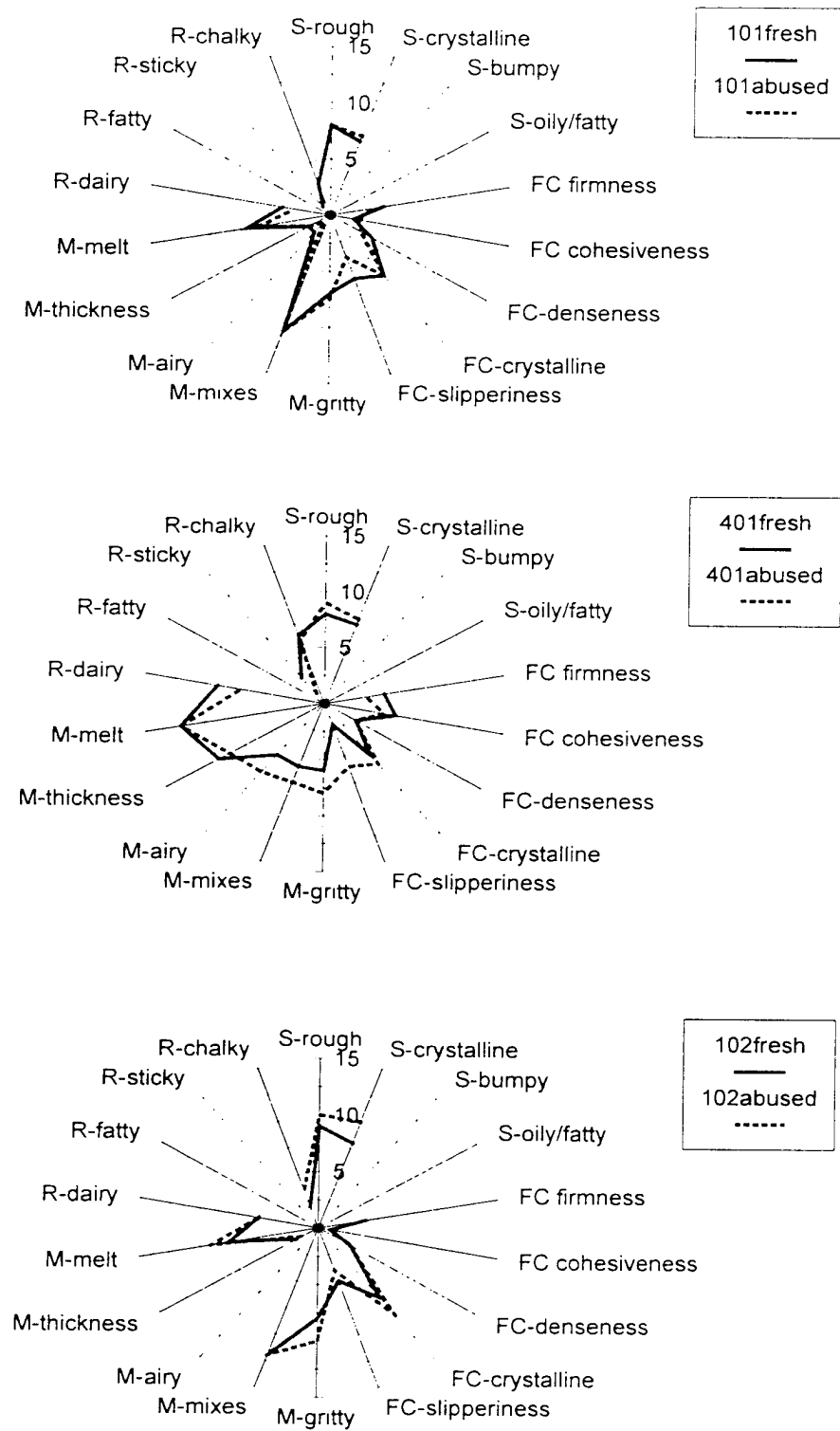


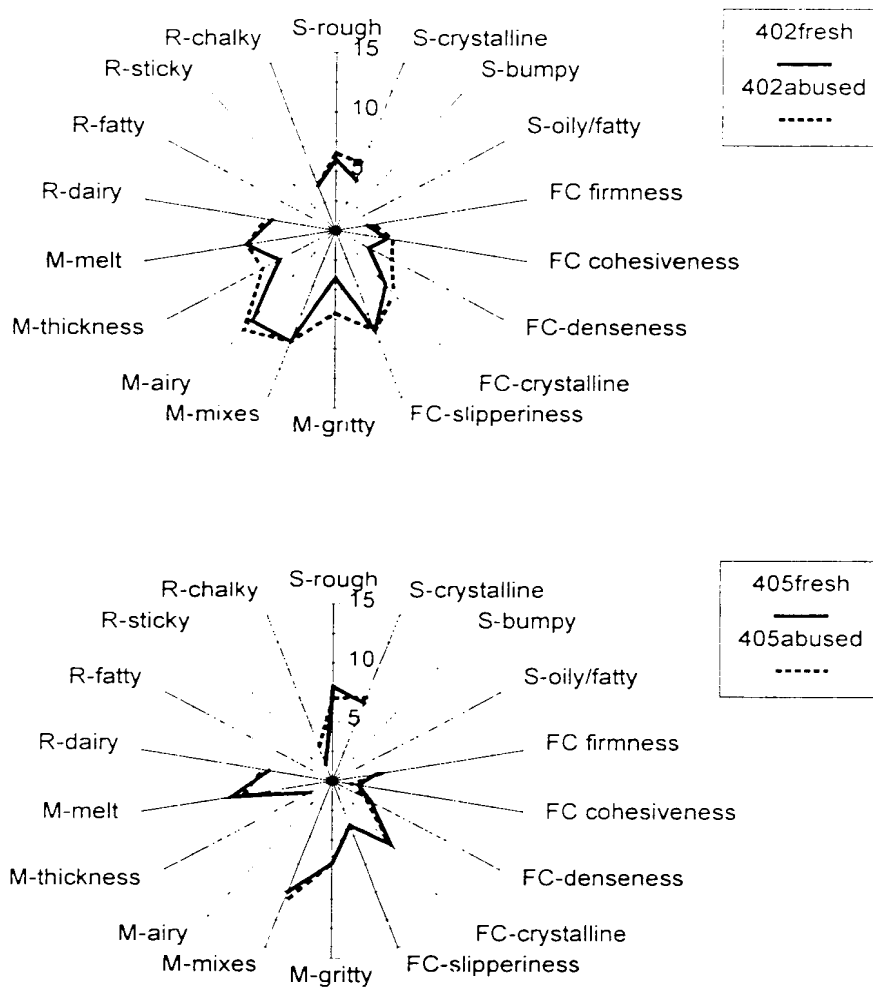
Figure 3B

Figure 4

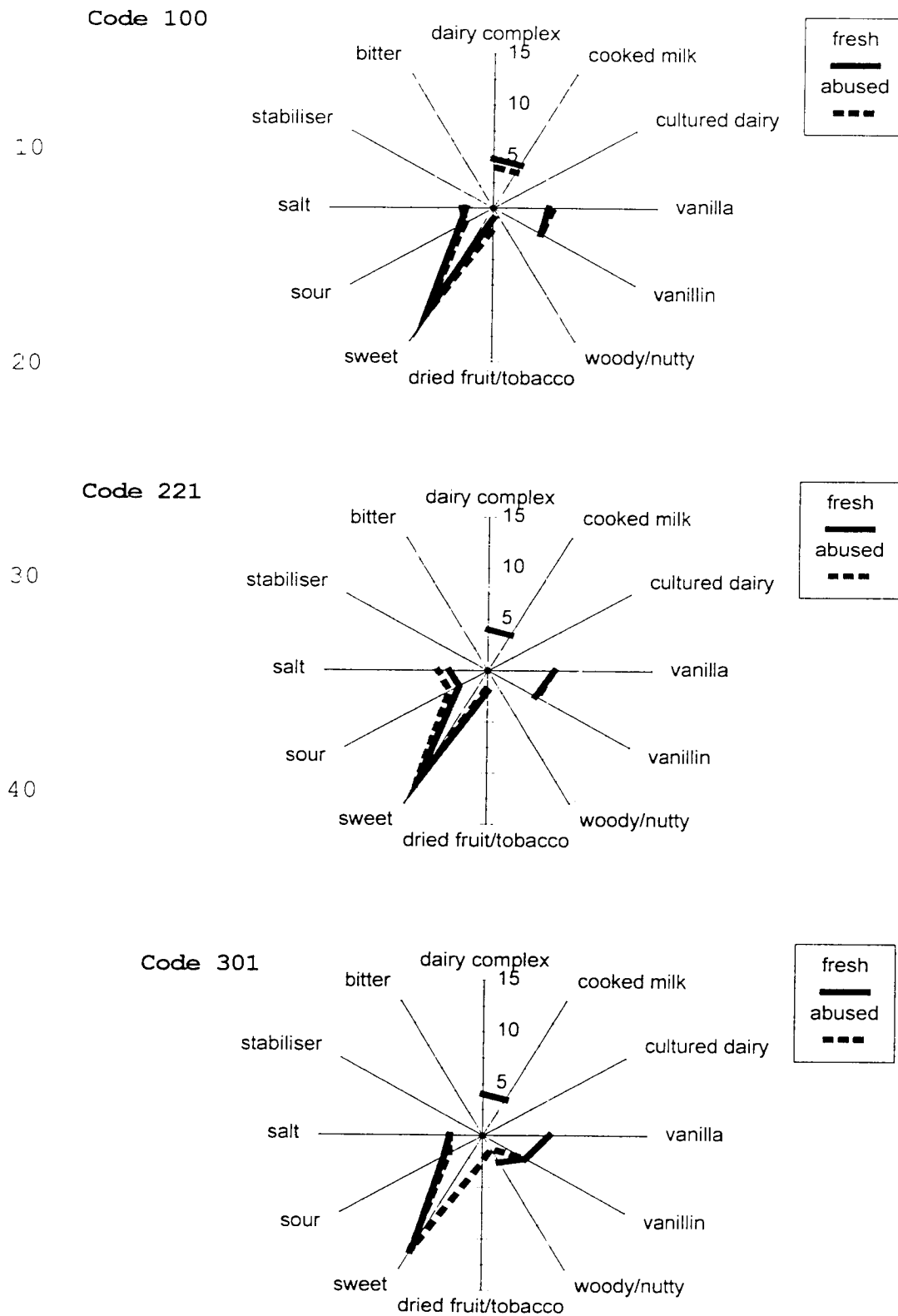
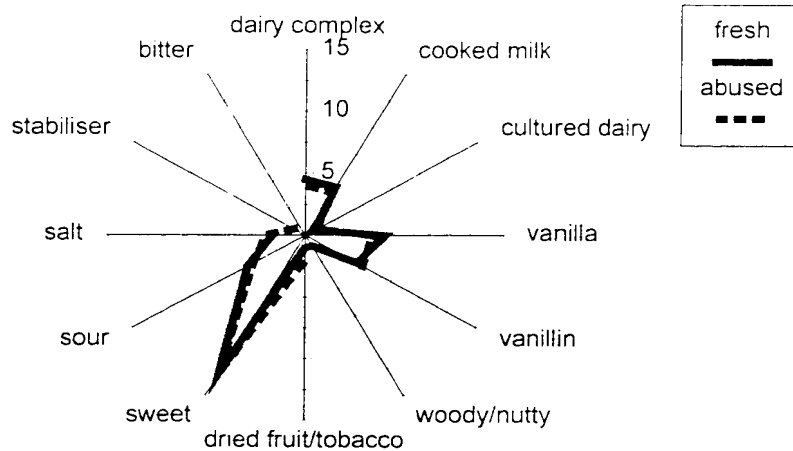


Figure 4A**Code 101**

5

15

25

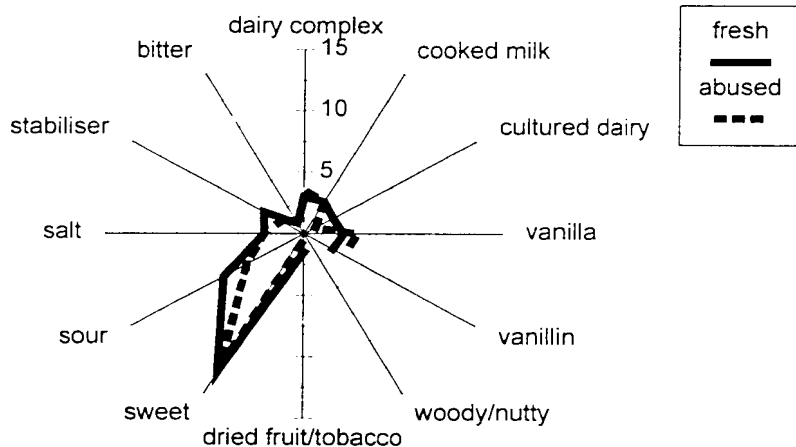


35

Code 401

45

55



65

Code 402